



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 27, 1995

Ms. Sheree L. Rabe
Assistant City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-992

Dear Ms. Rabe:

On behalf of the City of Georgetown (the "city"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33437.

The request at issue, which was directed to the city, is for an offense report of an assault complaint against a sixteen-year-old boy. You claim that the report is confidential under section 51.14 of the Family Code and thus is excepted from disclosure under section 552.101 of the Government Code. We agree that the information is confidential under section 51.14 and thus is excepted under section 552.101.¹

Section 51.14(d) of the Family Code, dealing with juvenile records, provides in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

¹The Seventy-fourth Legislature repealed section 51.14 of the Family Code, Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100(a), 1995 Tex. Sess. Law Serv. 2517, 2590, effective January 1, 1996, *id.* § 105, at 2590-91. This ruling does not address how that repeal will affect requests for this type of information that are made on or after January 1, 1996.

(1) a juvenile court having the child before it in any proceeding;

(2) an attorney for a party to the proceeding; and

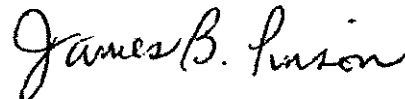
(3) law-enforcement officers when necessary for the discharge of their official duties.

See also Family Code § 51.02(1) (defining *child*).

Section 51.14(d) lists the persons or entities who may gain access to these records, but subsection (d) does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. Subsection (d) thus differs from other subsections in section 51.14 that allow, at the discretion of the juvenile court, inspection of other juvenile records by "any person ... having a legitimate interest." *See id.* § 51.14(a)(4), (b)(4).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



James B. Pinson
Assistant Attorney General
Open Records Division

JBP/RHS/rho

Ref.: ID# 33437

Enclosures: Submitted documents

cc: Mr. Douglas Bryce
605 West Ridgewood Road
Georgetown, Texas 78628
(w/o enclosures)